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8 **UNITED STATES DISTRICT COURT**
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 REYNALDO VILLANUEVA,

14 Defendant.

15 Case No. 1:20-mj-00052-SAB

16 ORDER RE INFORMAL
17 TELECONFERENCE RE GOVERNMENT'S
18 MOTION FOR A PROTECTIVE ORDER

19 On April 30, 2020, Reynaldo Villanueva ("Defendant") filed a notice of the
20 Government's non-compliance with the statutory prerequisite to admission of wiretap evidence.
21 (ECF No. 10.) Defendant also filed a request to file documents under seal in support of the
22 pleading. (ECF No. 11.) Defendant's request to file documents under seal was granted and the
23 documents were filed under seal. (ECF Nos. 13, 16, 17, 18.) Before the sealed documents were
24 filed, the Government requested to file a motion for a protective order under seal which was
25 granted. (ECF No. 14.) The Court subsequently received notification from Defendant that the
proposed motion for a protective order should be vacated. A teleconference was set for May 12,
2020, to discuss the protective order. (ECF No. 24.)

26 Pursuant to the Local Rules of the Eastern District of California, once the request to seal
27 documents is granted, "the requesting party shall either e-mail to the Clerk, at the e-mail address
28 for sealed documents listed on the Court's website, an electronic copy of the documents covered

1 by the sealing order, in .pdf format as an attachment, or submit to the Clerk by hand-delivery,
2 U.S. mail, or same-day or overnight courier, a CD containing a copy of the documents in .pdf
3 format.” L.R. 141(e)(2)(i). Upon review of the docket, it appears that the Government never
4 submitted the motion for a protective order to the Clerk’s Office to be filed under seal.

5 An informal teleconference was conducted on May 8, 2020. (ECF No. 31.) Counsel
6 Justin Gilio appeared for the Government and counsel Kevin Rooney appeared for Defendant.
7 (Id.) The parties request that the protective order be vacated. However, no protective order has
8 been entered and there is therefore no order to vacate. The parties indicated during the informal
9 teleconference that the Government wanted the Defendant to either object to the motion or
10 provide a non-opposition. The parties agreed that 6 weeks for a response was appropriate, but
11 the need for the protective order may become moot in the near future.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. On or before **May 11, 2020**, the Government shall file the motion for a protective
14 order under seal by submitting the motion to the Clerk’s Office in compliance
15 with Local Rule 141(e)(2)(i);
- 16 2. Defendant shall file an opposition or statement of non-opposition to the motion
17 for a protective order on or before **June 29, 2020**;
- 18 3. The matter shall be taken under submission upon the filing of any opposition or
19 statement of non-opposition; and
- 20 4. The Government shall withdraw the motion for a protective order should the issue
21 become moot prior to the issuance of an order on the motion.

22 IT IS SO ORDERED.

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24 Dated: May 8, 2020



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UNITED STATES MAGISTRATE JUDGE